

June 28, 1971

Honorable Stuart Symington
Foreign Relations Committee
United States Senate
Washington, D.C. 20510

Dear Senator Symington,

I am writing to ask you to consider an amplification of the legislative context of ratification of the Genocide Convention which was reported out of the Foreign Relations Committee some weeks ago. I am concerned that the actual language of the convention may be taken up in a way never intended by its proponents, namely to inspire a legal challenge to our defense strategy. There is ample basis for debating the issues of mutual deterrence without being encumbered by additional legal arguments. Nevertheless, in the language of the convention as it now stands there would appear to be a plausible basis for indicting principle officers of the United States government as parties to a conspiracy to practice genocide, namely in the formulation of strategic plans for "assured destruction". The language of the convention seems to leave little room for argument on this point, and it is easy to foresee that many groups may seek recourse to the federal courts as a means of harassing if not impeding such strategies.

My concern about this which was expressed in a letter to Dr. Kissinger was simply not understood by the State Department Official who responded to it. It was revised by the recent appearance of the enclosed article by Mr. Hartley and by its very title.

This is not an argument against the Genocide Convention, merely a plea to enter some cautionary language that would bar the convention or any associated legislation from offering a tempting target for litigation. Your own legal counsel would be better qualified to devise the simplest ways of achieving the desired result. It might be sufficient for the legislative record on the ratification to include an un rebutted understanding that the convention does not limit the right of any government to undertake military plans related to the security and survival of the nation.

In making this suggestion I do not brush aside the moral arguments against threatened mass reprisal but I do not believe that attracting the label "genocidal" will enhance the quality of the debate or of our judgements thereon. Furthermore, if such a label acquires any standing whatsoever in a judicial proceeding even the eventual disposition of the argument, which I would not doubt, would still leave a residue damaging to the reputation and moral of the country.

Sincerely yours,

Joshua Lederberg - Professor of Genetics

See "Genocide"

Symington, Stuart